

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case No. 301928.3000-100)

In the Application of:

Cowley et al.

Serial No. 09/997,694

Filed: November 30, 2001

For: METHODS OF USING CHLORINE
DIOXIDE AS A FUMIGANT

Examiner: To Be Assigned

Group Art Unit: 1614

COPY OF PAPERS
ORIGINALLY FILEDCommissioner for Patents
Washington, D.C. 20231

Sir:

DECLARATION OF KWAME BROWN

I, Kwame Brown, hereby make the following declaration:

1. I am the U.S. Docketing Clerk in the Prosecution Support Group at the law firm of McDonnell Boehnen Hulbert & Berghoff, 300 South Wacker Drive, Chicago-Illinois 60606, and held that position on February 12, 2002.
2. Exhibit A, attached, is a photocopy duplicate of page 301 of the incoming mail log showing part of the entry for February 12, 2002. The mail log is kept as a regular practice in the regularly conducted activity of the Prosecution Support Group.
3. A notation is made in the mail log for each piece of mail received from the United States Patent Office on the day that it is received in the Prosecution Support Group.
4. Exhibit A shows notations that both a Filing Receipt and a Notice to File Missing Parts of Nonprovisional Application for U.S. Patent application 09/997,694 were received in the Prosecution Support Group of McDonnell Boehnen Hulbert & Berghoff on February 12, 2002.
5. Exhibit A shows notations that both the Filing Receipt and the Notice to File Missing Parts of Nonprovisional Application for U.S. Patent application 09/997,694 that were received in the Prosecution Support Group of McDonnell Boehnen Hulbert & Berghoff on February 12, 2002 indicated a mailing date of December 13, 2001.
6. Exhibit B, attached, is a photocopy duplicate of the Notice to File Missing Parts of Nonprovisional Application for U.S. Patent application 09/997,694 that was received in the

Prosecution Support Group of McDonnell Boehnen Hulbert & Berghoff on February 12, 2002 bearing a docketing stamp dated February 12, 2002.

7. The dated docketing stamp is applied to communications from the United States Patent and Trademark Office that require a response as a regular practice in the regularly conducted activity of the Prosecution Support Group.

8. As shown in Exhibit B, on February 12, 2002, I reviewed the Notice to File Missing Parts of Nonprovisional Application and placed on it the stamp "DOCKETED FEB 12 2002" and initialed it "K.B." within the stamp.

9. As shown in Exhibit B, on February 12, 2002, I noted within the stamp the due date for the response the Notice to File Missing Parts of Nonprovisional Application as "2/13/02."

10. Exhibit C, attached, is a photocopy duplicate of the Filing Receipt for U.S. Patent application 09/997,694 that was received in the Prosecution Support Group of McDonnell Boehnen Hulbert & Berghoff on February 12, 2002 bearing a docketing stamp dated February 12, 2002.

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: May 06, 2002

Respectfully Submitted,

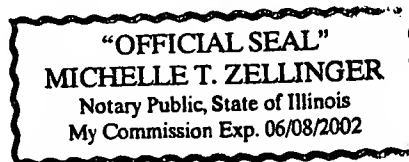
Kwame Brown

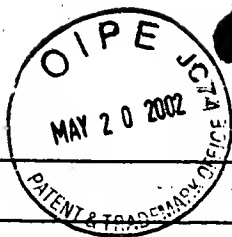
Kwame Brown

Date: May 6, 2002

Michelle T Zellinger

Notary





FEBRUARY 12, 2002 CONT.

301

Serial No.	Action	Mail Date
10/041695	Filing Receipt	2/6/02
10/041695	Missing Parts	2/6/02
60/334480	Filing Receipt	2/6/02
60/334480	Missing Parts	2/6/02
19/997694	Filing Receipt	12/13/01
19/997694	Missing Parts	12/13/01
19/913244	Filing Receipt	2/5/02
19/913244	Notice of Acceptance of Application	2/5/02
10/043951	Filing Receipt	2/7/02
10/043951	Missing Parts	2/7/02
09/730289	Notice of Assignment Received Without Cover Letter Attached	1/28/02
0/004116	Not. of Assign.	2/4/02
2/449256	Patent Infringement	2/6/02
15/421921	(TM) Examiner's Amendment - SOU Office Action No. 2	2/7/02
76/138172	(TM) Cert. of Registration	1/22/02
6/190513	(TM) Notice of Abandonment	2/7/02
76/167815	(TM) Notice of Abandonment	2/7/02
76/167808	(TM) Notice of Abandonment	2/7/02

FEBRUARY 13, 2002

EXHIBIT

A

09/997694

Serial No.	Action	Mail Date
09/178983	PTO Interview Summary	2/8/02
09/918728	Corrected Filing Receipt	1/31/02
09/976878	Notice to Comply	2/7/02
09/136484	Office Action	2/6/02
09/540862	Office Action	1/31/02
09/450626	Issue Fee Trans. / Not. of Allow.	2/6/02
09/560644	Issue Fee Trans. / Not. of Allow.	2/6/02
09/468033	Issue Fee Trans. / Not. of Allow.	2/7/02
09/589628 (Received from Braback....)	Issue Fee Trans. / Not. of Allow.	1/3/02



MAY 20 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/997,694	11/30/2001	Gerald Cowley	01-1722

CONFIRMATION NO. 4739

FORMALITIES LETTER

Roger P. Zimmerman
McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606

DOCKETED



FEB 12 2002

DUE DATE:

2/13/02
RB QB

Date Mailed: 12/13/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

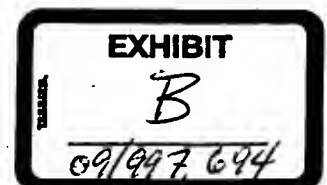
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

R.B.
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY





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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/997,694	11/30/2001	1614	740	01-1722	1	18	1

CONFIRMATION NO. 4739

FILING RECEIPT



OC000000007189969

Roger P. Zimmerman
McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
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Date Mailed: 12/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Gerald Cowley, Mississauga, CANADA;
John Y. Mason, Plymouth, CA;
Sameh F. Eltom, Kansas City, MO;
Darrell L. Dechant, Westminster, CO;

Domestic Priority data as claimed by applicant

Foreign Applications

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Methods of using chlorine dioxide as a fumigant

Preliminary Class

514

DOCKETED

FEB 12 2002

U.S. Foreign Filing 02.

DUE DATE: 7/13/03

BY: KB CB

EXHIBIT

C

09/997,694